UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.51
28 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-13028 (E)

The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PAR OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/L.22, 24, 25/Rev.1, and 27-29)

Draft resolution on the situation of human rights in China (E/CN.4/1999/L.22)

1. Ms. RUBIN (United States of America), introducing the draft resolution, said that her country's long-term relationship with China, which had progressed over recent years, was best served by speaking plainly about human rights. China's economic strides over the past decade had resulted in greate personal freedom for its people; but no nation could expect to maintain long-term economic growth unless it respected the universal human rights of all its citizens.

2. The human rights situation in China had deteriorated sharply during the latter part of 1998, with a crackdown on organized political opposition, greater government control over the media and more restrictions on freedom of worship. Social and political controls continued to limit fundamental freedoms in Tibet and Xinjiang and threatened Tibet's unique linguistic, religious and cultural heritage.

3. In 1998, no draft resolution on human rights in China had been brought before the Commission, partly because China had signed the International Covenant on Civil and Political Rights. China had, however, violated the rights protected under the Covenant. The Commission did no justice to those rights if it sat in silence when serious human rights violations persisted. It was not "confrontation" or "interference in internal affairs" to ask a Member State to respect the right of democratic dissent, as protected by international law. She urged China to engage in genuine dialogue with its dissidents and with the Dalai Lama.

4. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of Poland had become a sponsor of the draft resolution.

5. Mr. QIAO Zonghuai (China) moved that the Commission should take no action on the draft resolution for a number of reasons. In the first place, the allegation that the human rights situation had deteriorated sharply in 1998 was groundless. On the contrary, 8 million rural residents had been lifted out of poverty; and the Organic Law of Villagers' Committees had been adopted, providing legal guarantees for the direct exercise of democratic rights by the people. Human rights protection at every level of the judicial administration had been strengthened. The open-trial system had been promoted and the media played a greater role in monitoring trials. Supervision of law enforcement had been intensified and stricter approaches had been adopted in investigating and handling cases of illegal detention and confessions extorted through torture. In March 1999, the principle of the rule of law had been formally written into the Constitution.

6. Thanks to the Government's unremitting efforts, the human rights situation for all ethnic groups, including the Tibetan people, had in fact improved rapidly, as was widely recognized by the international community. The trials to which the delegation of the United States of America made constant nagging reference were of criminals subverting the State, who were subject to punishment in any country. There were obviously ulterior political motives behind the draft resolution.

7. The tabling of the resolution was an instance of double standards and the politicization of human rights. The gross human rights violations in the United States of America - including racial discrimination, police brutality, torture in prison and the execution of minors - were well documented. Moreover, that country had ratified the International Covenant on Civil and Political Rights, with many reservations, 15 years after signing it and had yet to ratify the International Covenant on Economic, Social and Cultural Rights. To demand prompt action from China on the Covenants was hegemonism or double standards. The clear purpose of the draft resolution was to undermine the reform, development and stability in China. Although relations between the two countries had improved, the next development had been an anti-China undercurrent in the United States of America, with the result that China had once again become the victim of local party strife which had no place in the Commission.

8. The draft resolution also constituted political confrontation. It was hardly surprising that, with their distinctive histories, cultures and traditions, China and the United States should have differences over human rights issues. China's tremendous efforts were demonstrated by the resumption of a human rights dialogue with the United States of America after four years' suspension; the draft resolution could not but have a negative impact on that dialogue.

9. The allegation that the no-action motion was intended to block discussion was gainsaid by the constant criticism of the human rights situation in China by the United States delegation under different agenda items. The anti-China draft resolution was quite different from the extensive substantive discussions that had been conducted in various forums. His delegation was fully entitled to propose the no-action motion in accordance with rule 65 (2) of the rules of procedure. Indeed, the United States delegation had, in the past, been known to vote for no-action motions.

10. Mr. KOH (United States of America) said that no nation was exempt from international scrutiny of its human rights. To support the motion, therefore, would be to undercut the Commission's core function; the draft resolution should be judged on its merits and voted on accordingly.

11. Mr. AMAT FORÉS (Cuba), speaking in explanation of vote before the voting, said that his delegation would vote for the no-action motion because the United States delegation was once again using the Commission as a tool of its foreign policy and playing to its domestic gallery. The draft resolution was an unacceptable manipulation of human rights, to the detriment of more important matters, and constituted interference in the internal affairs of China.

12. The United States of America used humanitarian affairs as an ideologic weapon: the more it drew attention to human rights in other countries, the less attention was paid to its own flagrant violations of the most elementar human rights. His delegation was not disposed to contribute to such a smokescreen.

13. Mr. YAMAZAKI (Japan) said that dialogue and the exchange of views were crucial. The promotion and protection of human rights constituted a legitimate concern of the international community and of the Commission in particular. Since the no-action motion served only to impede such dialogue, his delegation could not, as a matter of principle, support it.

14. Mr. HÖYNCK (Germany), speaking on behalf of the European Union, regretted that a no-action motion had once again been brought. The delegations of members of the Union would vote against it, since it was designed to prevent the Commission from dealing with a specific country situation and ran counter to the principles of transparency and non-selectivity which gave the Commission the right to act on the human right situation in any country.

15. The Union was dismayed at the crackdown on activists: severe prison sentences for those peacefully exercising their right to freedom of expressio and assembly were unacceptable. It was particularly concerned by the continuing use of the death penalty and administrative detention and by the situation in Tibet. The dialogue vaunted by the delegation of China had not been matched by improvements on the ground.

16. Mr. HYNES (Canada) said that his delegation always voted against no-action proposals on draft resolutions concerning specific human rights issues; he fully endorsed the views of the representative of Japan. The draft resolution recognized a number of positive developments in China, but i also raised issues on which the States members of the Commission should be permitted to express their views.

17. Mr. IDRIS (Sudan) said that China had held a dialogue with the international community and demonstrated its sincerity through its cooperatio with the United Nations human rights mechanisms. It had signed the two International Covenants on Human Rights and the High Commissioner for Human Rights had paid a successful visit to the country. The adoption of the draft resolution would harm the ongoing dialogue. His delegation would vote for th motion.

18. Mr. AKRAM (Pakistan) said that his delegation questioned the motivation behind the draft resolution and was concerned at its possible effects. Livin standards in China and, consequently, the enjoyment of human rights had improved. The achievement of lowering the number of people living in poverty from 250 million in 1978 to 42 million was impressive by any yardstick and wa unmatched by any other developing country. The history of China spanned thre millennia and it might well be that its people had never enjoyed a better human rights situation.

19. The motivation behind the draft resolution was well known: it was designed to exert pressure on China, either to open up its markets or to

achieve some other political purpose. It was also, however, a manifestation of the internal strife afflicting a major Power, leading to a regrettable internationalization of its domestic politics.

20. Adoption of the draft resolution would put an end to China's cooperation with the United Nations human rights mechanisms and raise tension between two of the world's most powerful nations. That was surely not what the Commission wanted. Rule 65 (2) had been intended precisely for dealing with proposals whose adoption would be contrary to the Charter of the United Nations and to the principles of the Commission. The draft resolution was like the dragon of Chinese mythology: it should be slain, once and for all.

21. Mr. CHOWDHURY (Bangladesh) said that the delegation of China was fully entitled to propose the motion. China had its own distinctive society, which had made a great contribution to civilization in many ways. Its moves towards human rights reform should be encouraged; cooperation was desirable, even essential. His delegation would therefore vote in favour of the no-action motion.

22. Mr. PALIHAKKARA (Sri Lanka) said that, given the failure of similar draft resolutions in the past, the Commission ought to have sought alternative ways of achieving its objectives. Despite the persistence of certain problems, China was clearly cooperating with international human rights bodies. The Commission needed to build on that progress by working with China rather than adopting resolutions that discouraged such cooperation. His delegation would vote in favour of the no-action motion.

23. Mr. SIMKHADA (Nepal) said that this delegation was guided by its support for the principle of the non-selectivity and universality of human rights and believed that the Commission's work should be conducted in an environment of cooperation and constructive engagement that could lead to self-criticism and introspection rather than pressure. To single out one country or group of countries for criticism in the absence of persistent egregious violations where due process was consistently denied was not productive.

24. As a neighbouring country, Nepal had witnessed remarkable transformations in China which were having far-reaching effects on all aspects of Chinese society. It was significant that China had signed the International Covenants on Human Rights and was working with the High Commissioner in the area of advisory services and technical cooperation; China was also reported to have extended an invitation to the Special Rapporteur on torture and was pursuing bilateral dialogues with a number of countries. The draft resolution was therefore unjustified, and his delegation supported the no-action motion.

25. Mr. LAGOS PIZZATI (El Salvador) said that since all delegations had the right to speak to the merits or flaws of any draft resolution, it was neither appropriate nor responsible not to vote on the resolution itself. For that reason, his delegation could not support the no-action motion.

26. At the request of the representative of the United States of America, a vote was taken by roll-call on the proposal by China to take no action on the draft resolution.

27. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Pakistan, Peru, Qatar, Russian Federation, Sri Lanka, Sudan, Venezuela.

Against: Austria, Canada, Czech Republic, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Rwanda, South Africa, United Kingdom, of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Ecuador, Guatemala, Liberia, Mauritius, Mexico, Niger, Philippines, Republic of Korea, Romania, Senegal, Tunisia, Uruguay.

28. The Chinese proposal was adopted by 22 votes to 17, with 14 abstentions.

Draft resolution on the situation of human rights in Nigeria (E/CN.4/1999/L.24)

29. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, said that it emphasized the changes that had taken place in Nigeria under the new Government, particularly the holding of free and democratic elections, and, consequently, made the Commission decide to conclude its consideration of the situation of human rights in Nigeria. He hoped that it could be adopted without a vote.

30. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of the Czech Republic had become a sponsor of the draft resolution.

31. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation, too, wished to be a sponsor of the draft resolution.

32. Mr. YADUDU (Observer for Nigeria) said that the draft resolution was of great importance to his country. Since 1995, Nigeria had been criticized for its poor human rights record by both the Commission and the General Assembly. The profound changes that had taken place during the past year, which had been emphasized in the report of the Special Rapporteur (E/CN.4/1999/36) were a source of great satisfaction to his delegation.

33. The draft resolution before the Commission was a fair and balanced one. He welcomed the emphasis placed on capacity-building and assured the Commission that Nigeria would take full advantage of opportunities to obtain technical assistance and advisory services from the High Commissioner's Office (OHCHR). He expressed his gratitude to all the delegations that had supported the draft text and urged the Commission to adopt it without a vote.

34. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia,

Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the Union had shown its solidarity with the people of Nigeria in the past by introducing resolutions on the human rights situation in that country which had been broadly supported. The recent encouraging turn of events in Nigeria had caused the Group of African States to take the lead in sponsoring the current draft resolution. The democratization process and overall improvement in the human rights situation, as confirmed by the Special Rapporteur after his recent visit to Nigeria, were welcome developments which, he trusted, would continue. The Union stood ready to assist the people and Government of Nigeria as they worked to overcome the heritage of repressive military rule and to return to the rule of law.

35. Mr. HYNES (Canada) said that his delegation was pleased to join the consensus on the draft resolution. It welcomed the improvements in the human rights situation in Nigeria and the steps taken by the Government to restore democracy. However, those efforts were but part of a work in progress, and he urged that the recommendations contained in the draft text be implemented to ensure that that progress continued.

36. The draft resolution was adopted.

Draft resolution on the human rights situation in southern Lebanon and west Bakaa (E/CN.4/1999/L.25/Rev.1)

37. Mr. MORJANE (Tunisia) introduced the draft resolution and said he hoped that the Commission could adopt it by consensus.

38. Mr. PELEG (Observer for Israel) said he noted that paragraph 2 of the draft resolution called upon Israel to implement Security Council resolution 425 (1978). He wished to point out that his Government accepted that resolution and had communicated to the Secretary-General its readiness to implement it. However, the resolution in question contained interrelated elements, for not only was Israel called upon to withdraw its forces, but the Lebanese Government was called upon to ensure the security of the border between Lebanon and Israel. Only when that condition was met would his Government withdraw its forces, for it did not believe that such a withdrawal should affect the security and well-being of Israeli citizens.

39. Mr MOOSE (United States of America) requested that the draft resolution be put to the vote.

40. At the request of the representative of Tunisia, the vote was taken by roll-call.

41. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first:

In favour: Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway,

Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Argentina, Liberia, Romania.

42. The draft resolution was adopted by 49 votes to 1, with 3 abstentions.

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/L.27)

43. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that the text was intended to reflect the complex and evolving human rights situation in the Islamic Republic of Iran, based on the findings of the Special Representative. In order to encourage efforts in that country to work for a more tolerant, diverse and law-abiding society, the draft resolution acknowledged all the improvements that had been made in the human rights situation there but expressed continued concern at the overall situation. As the Union was disappointed by the continued refusal of the Islamic Republic of Iran to cooperate fully with the Special Representative, the draft resolution called upon the Government to resume its cooperation with the Special Representative.

44. It was unfortunate that the Iranian delegation had not participated in consultations on the draft text, since the Union had been ready to consider any views it might have wished to raise. Instead, the Iranian delegation had set preconditions for any substantive discussion. It was to be hoped that open and constructive dialogue would be possible in the future.

45. Mr. AGUILAR URBINA (Secretary of the Commission) said that the Observer for Israel had become a sponsor of the draft resolution.

46. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, since coming to office in May 1997, President Khatami had spared no effort to implement progressive policies, including promotion of freedom of expression, the rule of law, popular participation, women's rights, due process in the administration of justice and the strengthening of democratic institutions, and national human rights mechanisms. There was thus no justification or excuse for continuing to table politically motivated resolutions on the situation of human rights in the Islamic Republic of Iran, an unwarranted and counterproductive exercise which had long since lost its relevance. Alternatives of an encouraging, cooperative and innovative nature should be sought.

47. The sponsors of the draft resolution had ignored realities and decided to pursue their short-term political interests. When negotiating with them, his delegation had made it clear that an encouraging response to the positive developments that had occurred required the inclusion in their draft resolution of a termination clause. However, the sponsors had shown no

willingness to engage in serious negotiation. If such a draft resolution were to serve as a yardstick for country-situation resolutions, one could be tabled on each and every country sponsoring it.

48. In fact, the country-situation procedure of the Commission and of the Third Committee of the General Assembly was flawed and could easily be exploited or abused for purely political considerations. The problem was that there were no specific and agreed criteria except the obscure concept of "gross and systematic violations of human rights".

49. It was essential to salvage the system's credibility and not let a minority, enjoying a block vote, to hold the system hostage to its political agenda. Many countries had come under tremendous pressure in recent days from the Western Europe and Others Group to back the draft resolution or face reprisals. Such a process was not democratic, would not contribute to the promotion of human rights and fundamental freedoms, and was not what human rights mechanisms were meant to be.

50. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC) in explanation of vote before the voting, said that, on a number of previous occasions, the OIC had stated its objection to the politicization of human rights and the use of human rights mechanisms for advancing the political interests of certain countries. The current draft resolution was a case in point, and the OIC members would oppose it since they considered it essential to put an end to such selective targeting for political purposes.

51. Significant positive developments had taken place in the situation of human rights in the Islamic Republic of Iran, and they needed to be supported and encouraged. The cooperation of the Government of the Islamic Republic of Iran with human rights bodies and mechanisms could be ensured only by ending the annual politically motivated exercise and establishing normal contacts and cooperation with the Islamic Republic of Iran through established channels.

52. The draft resolution was yet another example of the targeting of Islamic countries in the Commission, and the OIC group, which urged all members to vote against it, called for a roll-call vote.

53. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the amount of US$ 83,000, required to extend the mandate of the Special Representative for one year, had been included in section 22 of the programme budget for the biennium 1998-1999, and that other requirements resulting from the extension of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

54. Mr. IBRAHIM (Sudan) said that any genuine evaluation of human rights in a country should reflect the reality of the situation in a balanced manner. The Islamic Republic of Iran had made considerable progress in the past year but, although the draft resolution recognized some of its achievements, it failed to reflect adequately all the positive developments that had taken place. His delegation would, consequently, vote against it.

55. Mr. CHOWDHURY (Bangladesh) said his delegation would vote against the draft resolution because the Islamic Republic of Iran deserved encouragement, not criticism. The draft resolution was unwarranted and would prove counterproductive.

56. Mr. SALINAS (Chile) said that, as in previous years, his delegation would vote for the draft resolution because, despite the many positive developments in the past year that should be recognized and encouraged, there was still room for progress with regard to the situation of women and of religious groups such as the Baha'i. He hoped that the Government's reforming trend would continue and that no such resolution would be needed at the Commission's fifty-sixth session.

57. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that his delegation would vote for the draft resolution because it mentioned the progress made by the Islamic Republic of Iran in ensuring respect for human rights, did not dwell on the past and did not amount to political criticism. He, too, hoped that no such resolution would be necessary at the Commission's fifty-sixth session.

58. Mr. LEPATAN (Philippines) said that his delegation welcomed the positive developments that had occurred in the Islamic Republic of Iran during the past year. Since the draft resolution did not send the appropriate message of encouragement, his delegation would vote against it.

59. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation would vote against the draft resolution because of its defence of the principles of objectivity, non-selectivity and non-politicization. The Islamic Republic of Iran was changing. The only people that had not changed were the sponsors of the draft resolution.

60. Mr. PADILLA MENÉNDEZ (Guatemala) said that his delegation would vote for the draft resolution. Guatemala had been subjected to the Commission's vigilance and was all the better for its cooperation with human rights bodies. It was important to maintain international monitoring of the situation of human rights even if there had been positive developments.

61. Mr. CORRALES LEAL (Venezuela) said that his delegation would vote against the draft resolution because it would not help to improve the situation of human rights in the Islamic Republic of Iran, and might even support elements opposed to the positive developments taking place there. The Commission's resolutions had an immediate impact on situations within countries and should acknowledge genuine efforts by the Governments concerned. He hoped, however, that further progress would be made towards improving the human rights of minorities and women.

62. Mr. PARSHIKOV (Russian Federation) said his delegation would abstain from voting on the draft resolution. Until the Commission's fifty-fourth session, it had always supported the draft resolutions on the situation of human rights in the Islamic Republic of Iran, but, at that session, it had observed that the draft resolution insufficiently reflected the progress that had been made. While the current draft resolution was more balanced in that respect, it still did not give the appropriate signal to a Government that was pursuing a course of improving human rights.

63. Mr. AL-MANA (Qatar) said that his delegation would vote against the draft resolution. There had been positive developments in the Islamic Republic of Iran, especially with regard to freedom of expression and the rights of women. Draft resolutions should be objective and non-selective. The Islamic Republic of Iran should be encouraged to continue its cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

64. Mr. LI Baodong (China) said that the Islamic Republic of Iran had made tremendous efforts in recent years to promote and protect human rights, a trend that the Commission should encourage rather than criticize. The draft resolution could be counterproductive, and his delegation would vote against it.

65. Mrs. LORENZO ALCALA (Argentina) said that her delegation would abstain from voting in order to encourage the development of a more tolerant society in the Islamic Republic of Iran. The Government had already made considerable progress in that regard. Her delegation had been encouraged by the recent elections, by changes to the legal system and by progress in respect of freedom of expression and association. It also welcomed the Government's determination to continue the struggle against terrorism, including State terrorism. However, it regretted the control of the press and the use of capital punishment, as well as the lack of progress with regard to the status of women and the situation of the Baha'i.

66. At the request of the representative of Pakistan, a vote was taken by roll-call on the draft resolution.

67. Pakistan, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Austria, Canada, Chile, Congo, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Poland, Romania, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, China, Colombia, Cuba, India, Indonesia, Morocco, Pakistan, Philippines, Qatar, Senegal, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Argentina, Botswana, Cape Verde, Democratic Republic of the Congo, Madagascar, Mexico, Mozambique, Nepal, Niger, Peru, Republic of Korea, Russian Federation, South Africa, Uruguay.

68. The draft resolution was adopted by 23 votes to 16, with 14 abstentions.

Draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28)

69. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that they had been joined by the representative of the Czech Republic and the observers for Costa Rica and Estonia. The draft resolution was based on the conclusions of the Special

Rapporteur as contained in his report (E/CN.4/1999/37) which, as the Union noted with great concern, indicated that there had been no improvement in the situation of human rights in Iraq over the past year. The repeated calls of the international community for the Government of Iraq to ensure human rights and fundamental freedoms for the Iraqi people seemed to have gone unheard. Indeed, systematic, widespread and extremely grave violations of human rights and international humanitarian law had continued to occur on a daily basis, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread intimidation.

70. The violations included summary and arbitrary executions, the continued "prison cleansing campaign", cases of disappearances and a routine failure to respect the due process of law. The Union therefore once again called upon the Government of Iraq to abide by its human rights obligations and to respect and ensure the rights of all individuals within its territory and subject to its jurisdiction, irrespective of their origin, ethnicity, gender or religion.

71. The Union also called upon the Government of Iraq to cooperate with the Tripartite Commission established to resolve the fate of missing persons, including prisoners of war, and to continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998) and 1210 (1998). In that regard, the Union would work for a more effective implementation of the oil for food programme, as well as full Iraqi cooperation in preventing any unnecessary suffering of the Iraqi people.

72. The Union deeply deplored the fact that the Special Rapporteur had not been able to visit Iraq since 1991, and therefore requested the Government of Iraq to resume its cooperation with him.

73. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of Argentina and the observers for Bulgaria, Israel and New Zealand had become sponsors of the draft resolution.

74. Mr. AL-DOURI (Observer for Iraq) said he deeply regretted the submission by the European Union of yet another hostile, unbalanced and biased draft resolution against Iraq, serving the political aims of the United States and the United Kingdom. It was based on the report by the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37), who was a mere instrument of United States policy towards Iraq. The draft resolution was thus flawed and unfit for the Commission's attention. If its authors had been genuinely concerned about human rights in Iraq, they should have referred to the disastrous impact of sanctions on individual and collective rights. The United States, the United Kingdom and some other countries were guilty of genocide. Over 1.5 million Iraqis had been killed by the sanctions and an Iraqi child died every six minutes because of shortages of milk and drugs and the spread of disease.

75. The daily aerial bombardment by the United States and the United Kingdom of civilian sites such as food storage facilities and the destruction of oil installations used in implementation of the "oil-for-food" programme constituted a breach of the Charter of the United Nations.

76. Paragraph 2 of the draft resolution, which was taken straight from the Special Rapporteur's report, was exaggerated, tendentious and designed to provoke ethnic and religious unrest and undermine Iraq's unity and territorial integrity in accordance with the wishes of the United States, the United Kingdom and Israel.

77. The armed conflict and the exceptional circumstances imposed on Iraq had necessitated restrictions in some areas that might have adversely affected human rights. On the other hand, the Government had promulgated a number of decrees granting amnesty to prisoners who had not been convicted of murder or rape. The draft resolution made no mention of those measures but referred instead to the so-called "prison cleansing" campaign, a term used by the Special Rapporteur and his friends. The Special Rapporteur had also objected to decisions taken by the authorities to protect nightwatchmen from prosecution for action against armed robbers and criminals instead of recognizing them as a natural response designed to protect public safety.

78. It was difficult to see how the Government of Iraq could be accused of harming the Kurds in northern Iraq when they were still under international tutelage. It was also odd that Iraq should be accused of violating international humanitarian law when the real culprits were the States who daily launched missiles and laser-guided bombs against it and deprived the people of their livelihood. With regard to ethnic and religious minorities, Iraq had played a pioneering role in the 1970s by granting full autonomy to the Kurdish minority. Other minorities enjoyed full cultural and religious rights.

79. With regard to the draft resolution's reference to equitable distribution of the humanitarian supplies purchased with the proceeds of Iraqi oil, he drew attention to the reports by the Humanitarian Coordinator of the Oil-for-Food Programme in Iraq, who had resigned because of action by the United Kingdom and the United States aimed at impeding implementation of the Memorandum of Understanding.

80. His Government had no interest in concealing information about missing persons. There were no Kuwaiti or other foreign prisoners of war in Iraq. In any case, that issue was being addressed by the International Committee of the Red Cross (ICRC) and the relevant countries.

81. His Government categorically refused to entertain the idea of having human rights monitors sent to Iraq to meddle in the country's internal affairs. Iraq's experience with the arms inspectors of the United Nations Special Commission was well known. The spy Scott Ritter had admitted to working on behalf of the intelligence services of the United States, the United Kingdom and Israel.

82. He urged the States members of the Commission to resist the pressure to vote for the draft resolution. They should either vote against it or abstain.

83. Mr. RAZZOOQI (Observer for Kuwait) said that the text of the draft resolution was self-explanatory. He drew attention in particular to the third preambular paragraph concerning Security Council resolutions 686 (1991) and 687 (1991) and paragraph 3, subparagraphs (h) and (i), which called on the

Government of Iraq to cooperate with the Tripartite Commission to esta the whereabouts of missing persons and to release all Kuwaiti prisone when those conditions were fulfilled could sanctions be lifted. Iraq party to the Geneva Conventions and was obliged under their terms to r prisoners of war on humanitarian grounds. He urged the Commission to the draft resolution and condemn those who were in breach of the Chart the United Nations and the Geneva Conventions.

84. Mr. MALGUINOV (Russian Federation), speaking in explanation of v before the voting, said that his delegation was in favour of ending al rights violations and ensuring respect for religious and ethnic minori Iraq. In that context, it supported the full implementation of the Security Council resolutions aimed at normalizing the situation in the country.

85. Unfortunately, the draft resolution failed to reflect the multif nature of the current situation. It was unbalanced and biased and bas unreliable information, particularly regarding the Government's allege systematic violations of human rights and international humanitarian l There was also one-sided criticism of the authorities' activities in r to national or religious minorities. It was unjust to reproach Iraq w lack of cooperation with humanitarian agencies and discriminatory dist of humanitarian aid. It was also inappropriate to refer to regions in the Government's sovereignty was restricted, particularly in view of t ongoing unlawful bombardment of a sovereign State.

86. His delegation agreed, however, that the Government must do a gr more to ensure that internationally recognized human rights standards fully guaranteed; it thus supported the appeal to the Iraqi Government draft resolution to cooperate with the Commission's mechanisms to that

87. He asked for a separate roll-call vote on whether to retain para subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k) draft resolution. His delegation would abstain from voting on those subparagraphs but would vote in favour of the draft resolution as a wh it were put to the vote.

88. Mr. COMBA (Office of the High Commissioner for Human Rights) sai the cost of extending the mandate of the Special Rapporteur, in accord with paragraph 4, subparagraph (a), of the draft resolution, was estim US$ 102,000. Provision had been made for that cost in the programme b for the biennium 1998-1999 and it was expected that the other requirem the extension of his mandate would be covered in the programme budget biennium 2000-2001.

89. No provision had been made under either programme budget for the dispatch of human rights monitors in accordance with paragraph 4, subparagraph (b), of the draft resolution. If the draft resolution we adopted, that activity would therefore have to be funded from extrabud resources made available for the purpose.

90. At the request of the representative of the Russian Federation, a vote was taken by roll-call on whether to retain paragraph 2, subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k), of the draft resolution.

91. China, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Russian Federation, Rwanda, Sri Lanka, Sudan, Tunisia.

92. Paragraph 2, subparagraph (a), and paragraph 3, subparagraphs (g), (i), (j) and (k), of the draft resolution were retained by 31 votes to none, with 22 abstentions.

93. Mr. IDRIS (Sudan), speaking in explanation of vote before the voting, said that the draft resolution had ignored the adverse impact of the sanctions, as documented by many United Nations reports. A solution to the problem of missing persons that was satisfactory to all parties must be found. His delegation would thus abstain on the draft resolution as a whole and requested a roll-call vote.

94. At the request of the representative of the Sudan, a vote was taken by roll-call on the draft resolution.

95. Luxembourg, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Mexico, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Sri Lanka, Sudan, Tunisia.

96. The draft resolution was adopted by 35 votes to none, with 18 abstentions.

Draft resolution on the situation of human rights in the Sudan (E/CN.4/1999/L.29)

97. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of the European Union and other sponsors, said that a number of developments in the Sudan over the past year represented steps in the right direction and justified hopes that the Sudan would move towards a peaceful settlement of its internal conflict and the creation of a better environment for the respect of human rights. While welcoming those trends, the draft resolution expressed deep concern about continuing serious violations of human rights and fundamental freedoms in the Sudan and called on all parties to the conflict to protect human rights standards and international humanitarian law.

98. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Argentina and the Czech Republic and the observers for Australia, Israel and Liechtenstein had become sponsors of the draft resolution.

99. Mr. IBRAHIM (Sudan) said that the draft resolution was the result of concerted efforts by the delegation of Germany, acting on behalf of the European Union, and the delegation of the Sudan. Thanks to a constructive dialogue, most differences of opinion had been resolved and the door opened wide for cooperation in promoting and protecting human rights in the Sudan.

100. His delegation had some reservations, however, regarding the concerns referred to in the third preambular paragraph and in paragraphs 2, 3 and 4. He looked forward to a positive response to the appeal to the international community in paragraph 6 to expand its support for the Government's activities aimed at the improvement of respect for human rights and humanitarian law and to the request to OHCHR in paragraph 7 to take urgently into consideration requests for assistance by the Government.

101. His Government was fully committed to pursuing a constructive dialogue with OHCHR, primarily with a view to strengthening national human rights capacities. It urged the international community to bring more pressure to bear on the eighth rebel faction to join in the peace process for the benefit of the people of the southern Sudan, to whom the Government had granted the right of self-determination, and of the country as a whole. If peace was attained, the Sudan's human rights record would be as clean as it had been before the civil war.

102. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the cost of extending the mandate of the Special Rapporteur, in accordance with paragraph 7, subparagraph (a), of the draft resolution, was estimated at US$ 82,000. Provision had been made for that cost in the programme budget for

the biennium 1998-1999 and it was expected that the other requirements for the extension of his mandate would be covered in the programme budget for the biennium 2000-2001. No provision had been made under either programme budget for responding to requests for assistance by the Government of the Sudan or for the establishment of a permanent representation of the High Commissioner in Khartoum, in accordance with paragraph 7, subparagraph (c), of the draft resolution. If the draft resolution was adopted, those activities would therefore have to be funded from extrabudgetary resources made available for the purpose.

103. The Chairperson said she took it that the Commission wished to adopt the draft resolution.

104. It was so decided.

105. Mr. SKOGMO (Norway) said that his delegation had supported the draft resolution concerning the situation of human rights in the Sudan despite its reservations regarding the wording of some paragraphs. Although it would have preferred a more balanced text, it recognized that there had been significant improvements in the human rights situation in the Sudan, for which the Government deserved due credit. It also appreciated the stated willingness of the Government to strengthen cooperation with the international community in that area.

The meeting rose at 6 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.52
12 November 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 April 1999 at 6 p.m.

Chairperson: Ms. ANDERSON (Ireland)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-15951 (E)

The meeting was called to order at 6.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/L.30-32, L.34/Rev.1, L.36/Rev.1 and 37)

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/L.30)

1. Mr. HOYNCK (Germany), speaking on behalf of the European Union and other sponsors, said the draft resolution reflected the outcome of constructive negotiations with the delegation of the Democratic Republic of the Congo, and was also the fruit of open consultations, through the respective regional coordinators, with all States. It had been discussed with NGOs, many of which had expressed full support for it. The draft fairly reflected the progress achieved and expressed concern about the human rights situation, while recognizing the regional dimension of human rights issues.

2. It proposed the establishment of an international joint mission to investigate all massacres carried out in the country, including South Kivu, and other atrocities to which the Special Rapporteur's report referred, with a view to bringing those responsible to justice. The European Union supported the recent call by the Security Council for an international conference on peace, security and stability in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity (OAU). It stood ready to support United Nations efforts to assist in the implementation of a ceasefire and would be prepared to consider a rehabilitation programme for the country in the event of an effective cessation of hostilities and progress in the fields of peace, democracy and human rights. The draft stressed the need for all Congolese to be engaged in the process, with a view to achieving national reconciliation and the holding of free and fair elections. It also called for the removal of restrictions on political parties and NGOs.

3. The Commission should stand united behind the important messages of peace and justice. However, it had come to his delegation's attention that the delegation of Rwanda intended to introduce several amendments to the text. The sponsors had spared no effort to reach an accommodation with the Rwandan delegation, including on a proposed new paragraph which would have addressed most of its concerns. Unfortunately, their flexibility had not been reciprocated. The sponsors would therefore vote in favour of two of the Rwandan delegation's proposed amendments, but would vote against all the others in order to maintain balance and the consensus among the other members of the Commission.

4. Mr. NTASHAMAJE (Rwanda) said that the version of the draft resolution proposed by the European Union omitted blatant facts relating to the human rights situation in the Democratic Republic of the Congo. Since the outbreak of the current conflict in August 1998, there had been horrendous violations of human rights. The Special Rapporteur on the situation of human rights in the Congo had confirmed those violations by indicating very clearly in his

report that the country had openly promoted hatred against some of its citizens in a planned policy of ethnic cleansing. In many areas across the country, people belonging to ethnic and opposition groups had been arbitrarily arrested and held hostage. Security Council resolution 1234 (1999) condemned the continuing activities of, and support for all armed groups in the Congo. Having read the draft resolution proposed by the European Union, his delegation had been surprised that none of those facts had been included.

5. Having discussed those omissions with the European Union, his delegation had decided to submit its amendments. Violations of human rights and humanitarian law targeting members of a certain ethnic group were of particular concern to Rwanda, which had been a victim of genocide in 1994 and remained under constant threat from the forces which had carried out that genocide and were currently based and operating in the Congo.

6. At the morning meeting, his delegation had, for the sake of dialogue, withdrawn a draft resolution it had previously submitted on the situation in the Congo, but that dialogue had proved unavailing. In view of the very strong stand the Commission had taken on previous occasions, including the resolution on ethnic cleansing in Kosovo adopted the week before, his delegation believed that the Commission had an obligation to condemn the ethnic cleansing under way in the Congo. It should condemn the incitement of the population to exterminate a specific ethnic group and the continued detention of innocent civilians as hostages, and demand their immediate and unconditional release. It was to be hoped that, for the sake of the credibility of the resolution and to avoid double standards, the Commission would use its authority to support the proposed amendments to the draft resolution.

7. Mr. KANAMURA (Rwanda), introducing the proposed amendments, said that since the Special Rapporteur had clearly indicated that there was a policy of ethnic cleansing in the country, the Commission should reiterate its condemnation of that crime. Secondly, the Special Rapporteur had indicated that the Government was promoting ethnic hatred and intolerance, which had led to the killing of people on the basis of their ethnicity; the Commission should condemn that campaign of ethnic hatred and violence. Up to 1,800 people suspected of being rebel sympathizers were still incarcerated in many parts of the country. The Commission should call for their immediate and unconditional release.

8. The Security Council had recently condemned the activities of armed groups operating in the Congo which were creating instability in the region. The Commission should support the Security Council's position. Finally, the Commission should bear in mind that many lives were at stake, especially those of prisoners held in different parts of the country supposedly for their own safety. If they should die, their blood would not be on Rwanda's conscience. The Commission should support the proposed amendments.

9. Mr. NDJALANDJOKO (Democratic Republic of the Congo) said that the delegation of Rwanda had engaged in a tortuous undertaking, first submitting draft resolution L.20, later withdrawing it, and essentially proposing its contents as amendments which were inconsistent with the report of the Special Rapporteur on the situation of human rights in the Congo and with the draft resolution of the European Union. The selectiveness and subjectiveness of the proposed amendments and the Rwandan delegation's lack of flexibility denoted an accusatory approach

and showed the dangerous delaying tactics to which the delegation had resorted in trying to use the Commission for political ends, preferring confrontation to dialogue and deceit to genuine negotiation.

10. While it condemned such practices, his delegation saluted the helpful and noble attitude which had prevailed in the African Group and in the frank and transparent talks which had been held with the European Union in order to draw up draft resolution E/CN.4/1999/L.30, currently under consideration. That resolution reflected the constructive tone of the latest report submitted by the Special Rapporteur on the situation of human rights in the Congo, recognized the progress made in the sphere of human rights and the persistence of certain problems, and encouraged the Congo to improve the human rights situation. It also condemned the serious violations of human rights and humanitarian law perpetrated against civilians in areas of the country which had been occupied. His country reaffirmed its readiness to cooperate fully in the implementation of resolution L.30, particularly as far as the joint mission was concerned.

11. The CHAIRPERSON, following a procedural discussion, said that, under rule 52 of the rules of procedure, the Commission should leave the discussion on the substantive amendments to resolution L.30 in abeyance for at least 24 hours so as to permit delegations to acquaint themselves with their contents.

Draft resolution on cooperation with representatives of United Nations human rights bodies (E/CN.4/1999/L.31)

12. Mr. LAKATOS (Hungary), introducing the draft resolution on behalf of its sponsors, said that the text was based on earlier resolutions previously adopted by the Commission. After reading out excerpts from the draft, he expressed the hope that it would be adopted without a vote.

13. Mr. AGUILAR URBINA (Secretary of the Commission) announced that the representative of the Republic of Korea and the observers for Costa Rica, Finland and The former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

14. Mr. LIU Xinsheng (China) said that his delegation had, in discussions with the sponsors, previously expressed the view that the draft resolution, which was the only one among the 16 submitted under agenda item 9 which did not address the situation of human rights in a particular country, should instead be considered under item 18, entitled "Effective functioning of human rights mechanisms", or under another related item. All delegations had made great efforts during the current session to ensure that the consideration of subjects was coherent and compatible with the newly reorganized agenda; certain draft resolutions originally placed under item 9 had consequently been reassigned to others.

15. His delegation had no objection to the content of the text and would not stand in the way of its adoption. It would, however, like to urge all sponsors of the draft resolution to give serious consideration to the concern and suggestions which it had expressed, and to change the abnormal arrangement under which the subject covered by the draft resolution was still dealt with under item 9. His delegation would follow the question closely at the Commission's fifty-sixth session.

16. Mr. REYES RODRIGUEZ (Cuba) agreed with the Chinese delegation, and proposed an amendment to operative paragraph 7 so that it specified that at the fifty-sixth session the subject would be considered under the item "Effective functioning of human rights mechanisms".

17. Mr. LAKATOS (Hungary), speaking on behalf of the sponsors, said the resolution on cooperation with representatives of United Nations human rights bodies had always been submitted under the same agenda item, and the sponsors had tried to cooperate and enter into a dialogue with one of the delegations which had raised the issue, but their efforts had been to no avail. The sponsors had given serious consideration to the proposal made by the Cuban delegation, but remained of the opinion that the resolution had its place under item 9. He respectfully urged the members of the Commission to adopt the resolution without a vote.

18. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would accordingly withdraw its proposed amendment in response to the sponsors' position. It would, however, request that it should be placed on the record that the Cuban delegation had called for the subject to be covered under the item on effective functioning of human rights mechanisms at the next session of the Commission.

19. Draft resolution E/CN.4/1999/L.31 was adopted.

Draft resolution on the situation of human rights in Myanmar (E/CN.4/1999/L.32)

20. Mr. HOYNCK (Germany), introducing the draft resolution on behalf of the European Union, said that Australia, Costa Rica, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Norway, Poland, the Republic of Korea, Slovenia and the United States of America had joined the sponsors. The European Union wished to make three amendments, namely: the rewording of operative paragraph 1 (d) to read "The efforts currently being undertaken by the Special Envoy of the Secretary-General for a visit to Myanmar,", the insertion of the words "and assistance" after the word "protection" in paragraph 2, and the insertion of a new subparagraph (k) in paragraph 7, which would read "To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the ILO Commission of Inquiry". The subsequent subparagraphs should be renumbered accordingly.

21. The Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had indicated that the human rights climate in Myanmar had worsened, with continuing reports of forced labour, and relocation, arbitrary detention, summary and arbitrary execution, torture, and violations of the rights of women, children and ethnic minorities. The democracy movement continued to be repressed.

22. The draft resolution took note of and supported the efforts currently under way to permit another visit by the Special Envoy of the Secretary-General in the near future. It was unfortunate, however, that the Government of Myanmar had not agreed to a visit by the Commission's Special Rapporteur. The text therefore urged the authorities to establish a meaningful human rights dialogue with the United Nations system and to cooperate fully with the Special Rapporteur.

23. U AYE (Observer for Myanmar) said that despite the strenuous efforts of many well-meaning delegations, a small minority of States with extreme and vindictive views had once again forced through a draft resolution containing unproven and false allegations about the situation in Myanmar. The text completely ignored the actual state of affairs in the country and attempted to politicize what should be a purely human rights issue. The opportunity to encourage the development of human rights in Myanmar had therefore been squandered.

24. A close reading of the draft resolution showed that, far from having anything to do with human rights, it was in fact a patchwork of imagined political grievances and unsubstantiated allegations culled from outdated and irrelevant sources, all of which his Government had repeatedly refuted. For example, it drew unwarranted attention to one political party and one individual at the expense of all other legally existing political parties. Perhaps the intention was to encourage members of that party to break the law and thereby wreck the peace and stability prevailing in the country. If that was indeed the case, his Government wished to make it clear that no one could be permitted to break the law with impunity. In addition, the draft resolution criticized the Government's numerous accomplishments in raising the standard of living of the inhabitants of remote border areas. The various ethnic groups living in those areas had begun to enjoy the benefits of a modern infrastructure. Many foreign observers had visited the areas concerned and commented favourably on what they had seen. In the face of all the evidence, the draft resolution had ignored such community development activities, dismissing them as so-called "forced labour".

25. The ceasefire agreements which had been painstakingly negotiated with a variety of former insurgent groups had been falsely linked to the persecution of ethnic minorities. Such inferences were contemptible. The draft resolution had even faulted Myanmar's recent accession to core human rights instruments such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by stating that national legislation and practice were not in conformity with those instruments. In fact, the authorities had made all the necessary amendments to national laws and practice before acceding to the conventions. For all the foregoing reasons, his delegation utterly rejected the contents of the draft resolution.

26. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar. Financial provision of approximately $93,000 to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the Special Rapporteur's mandate were expected to be covered under the programme budget for the biennium 2000-2001.

27. Draft resolution E/CN.4/1999/L.32, as amended, was adopted.

Draft resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia, and Bosnia and Herzegovina (E/CN.4/1999/L.34/Rev.1)

28. Mr. KOH (United States of America), introducing the draft resolution, said that the actions of the President of the Federal Republic of Yugoslavia had spawned lawlessness, human rights abuses and widespread material destruction. New strategies of terror and displacement, such as the use of human shields and "identity cleansing", had been used. Adult males had reportedly been separated from their families and slaughtered. The Yugoslav President had exploited forced expulsions as a political and military weapon to undermine the economy and infrastructure of neighbouring countries. The atrocities currently taking place in Kosovo had been meticulously planned, and the scale of the crisis demanded a commensurate response from the international community. While the ultimate goal was repatriation for all refugees, the international community should in the meantime make every effort to ensure that conditions in refugee camps were humane and that refugees were treated fairly. Yet the refugee crisis in Kosovo was only a symptom of the broader attack on human rights throughout the Federal Republic of Yugoslavia. Montenegro was also threatened by ethnic cleansing and the Yugoslav Government had declared a "quiet war" against all domestic dissident elements.

29. The draft resolution addressed various human rights problems throughout the former Yugoslavia. It called on the authorities in Belgrade to bring about a verifiable end to all military action in Kosovo and immediately halt the violence against the local civilian population. It urged the Croatian Government to make greater efforts to adhere to democratic principles, in particular with respect to ethnic minorities such as displaced Serbs, and to press ahead with meaningful judicial reforms. Some progress had been made in the implementation of the Peace Agreement in Bosnia and Herzegovina, but the draft resolution expressed serious concerns about continuing human rights violations in that country and condemned the intimidation of minority refugees and internally displaced persons who had attempted to return to their homes. The authorities should conduct investigations with a view to bringing human rights violators to justice. The draft resolution also called for the mandate of the Special Rapporteur to be extended for another year.

30. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Morocco had withdrawn from the list of sponsors, while Albania, Australia, Austria, Belgium, Cyprus, the Czech Republic, Denmark, France, Finland, Greece, Italy, Japan, Malta, New Zealand, Norway, Poland, Sweden, Switzerland and The former Yugoslav Republic of Macedonia had become sponsors.

31. Ms. CEK (Observer for Croatia) said that Croatia had been forced to endure Serbian aggression and had hosted hundreds of thousands of refugees and displaced persons. More than a third of its territory needed to be rebuilt. Croatia was the only country in the region where organized return of refugees had become a reality. That achievement was the fruit of a long and careful process of preparation involving the sensitization of a population that had suffered grievously during the war.

32. It was unfortunate that her Government's efforts in the area of confidence-building and return of refugees had not received adequate recognition in the draft resolution. In recent years,

however, the international community had shifted its attention from war-related problems towards issues associated with the strengthening of civil society. The draft resolution thus dealt with gender and labour issues that usually came under thematic mandates. In that respect, Croatia differed from the two other countries within the Special Rapporteur's mandate, where the implementation of fundamental humanitarian standards was still a major issue. Croatia ought therefore to be considered separately.

33. The recent project for technical cooperation which had been signed between Croatia and the Office of the High Commissioner for Human Rights would facilitate the development of the country's democratic institutions and strengthen human rights standards. By implementing the project, Croatia would make further progress towards the empowerment of a fully democratic society. Her Government trusted that the Commission would acknowledge those efforts and change its practice of treating the three countries in the Special Rapporteur's mandate equally.

34. Mr. AKRAM (Pakistan) said that section III of the draft resolution referred in some detail to the situation in Kosovo. His delegation was disappointed that a number of the amendments to the draft resolution proposed by the Organization of the Islamic Conference had been rejected, in particular an alternative version of paragraph 17 which would have read: "Urges the Kosovo Liberation Army to observe the principles of international humanitarian law and expresses concern about reports of any abuses by its elements". Nor was his delegation comfortable with the parallel drawn in paragraph 19 between the ethnic Albanian leadership in Kosovo and the authorities of the Federal Republic of Yugoslavia. Aside from those general concerns, his delegation wished to propose that, in operative paragraph 9 (f), the phrase "the Muslim minority and" should be inserted before "the Bulgarian national minority" in the same subparagraph.

35. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. Financial provision of approximately $106,000 to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the Special Rapporteur's mandate were expected to be covered under the programme budget for the biennium 2000-2001.

36. Mr. SINGH (India) said that, although his delegation had joined in the general condemnation of all human rights violations in Kosovo and the Federal Republic of Yugoslavia, the draft resolution currently before the Commission was unbalanced. Section III was egregiously one-sided in its presentation of the facts. The very title of the section failed to indicate that Kosovo was an integral part of the Federal Republic of Yugoslavia; the appropriate place for paragraphs 13 to 25 would have been in section II. Section III also ignored the fact that only a complete cessation of hostilities and a resumption of efforts to end the crisis peacefully would lead to a satisfactory resolution of the problem. Instead it sought to manipulate human rights concerns in support of the political objectives of the NATO military alliance, while failing to recognize that a continuation of hostilities would merely exacerbate the human rights crisis in the Federal Republic of Yugoslavia.

37. His delegation accordingly requested that a vote should be taken by roll-call on whether to retain section III of the draft resolution; his delegation would vote against its retention.

38. Mr. PARSHIKOV (Russian Federation) reiterated his Government's strong condemnation of the NATO aggression against the Federal Republic of Yugoslavia. The aggressors had no right to lecture the people of Yugoslavia or their democratically-elected leadership about standards of "civilized behaviour" and respect for human rights. His delegation therefore endorsed the Indian delegation's proposal to put section III to a separate vote, and would vote for its deletion. His delegation further requested that a vote should be taken on the draft resolution as a whole, noting that if all references to the Federal Republic of Yugoslavia and Kosovo were deleted, the remainder of the text would be acceptable.

39. Mr. REYES RODRIGUEZ (Cuba), speaking in explanation of vote before the vote on section III of the draft resolution, said that the section in question was completely unbalanced and biased, which precluded his delegation from supporting it. The hypocrisy and cynicism of the United States of America was abundantly clear in the present version of the text.

40. Mr. VOTO-BERNALES (Peru) said that his delegation would vote in favour of the draft resolution as a whole, on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States.

41. Mr. KOH (United States of America) said that he could not agree to the proposal by the representative of India regarding section III of the draft resolution. Section III was the heart of the text and was the key to maintaining the mandate of the Special Rapporteur to cover the whole of the former Yugoslavia. To remove Kosovo from his mandate would be to disregard the most important dimension of the crisis.

42. Mr. PLORUTTI (Argentina) said that the section of the draft resolution devoted to Kosovo erroneously implied that the province had the same status as the other independent territorial entities referred to in the text. His delegation would abstain in the vote on section III because it raised issues which should rightly be considered by the Security Council.

43. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation believed that section III was an appropriate response in view of the seriousness of the human rights abuses perpetrated by the Serbian authorities in Kosovo, and would therefore vote in favour of retaining it.

44. Mr. HOYNCK (Germany), speaking on behalf of the European Union, said that his delegation regretted the proposal to put section III to a separate vote because it would complicate matters for the Special Rapporteur and might even jeopardize his mandate as far as Kosovo was concerned. Furthermore, certain delegations had read into the layout of the draft resolution conclusions which the sponsors had never intended to be drawn. The European Union would vote in favour of retaining section III and in favour of the draft resolution as a whole.

45. Mr. PETIT (France) endorsed the remarks by the representative of Germany on behalf of the European Union and said that his delegation would vote in favour of retaining section III. The current version of the text had the advantage of recalling the five steps which the authorities

of the Federal Republic of Yugoslavia needed to take in order to halt NATO military action, and also condemned with the necessary firmness the serious human rights violations that had occurred in Kosovo.

46. Mr. ILLANES (Chile) said that he would have preferred a more balanced text incorporating the views and suggestions of other interested parties such as the Movement of Non-Aligned Countries and the Rio Group. His delegation would therefore abstain in the vote on section III while voting in favour of the draft resolution as a whole.

47. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that his delegation intended to abstain in the vote on section III because the proposed text was unbalanced. However, it would vote in favour of the draft resolution as a whole on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States.

48. Mr. SGARBI (Uruguay) said that his delegation would vote in favour of the draft resolution as a whole and the retention of section III. At the same time, however, the fact that Kosovo had been given equal status to the other territorial entities referred to in the text was a formal defect which could be interpreted as being prejudicial to the principle of the territorial integrity of States.

49. Mr. REYES RODRIGUEZ (Colombia) said that his delegation would vote in favour of the draft resolution as a whole on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States. His delegation intended to abstain in the vote on section III.

50. Mr. AKRAM (Pakistan) said that section III was the most important section in the draft resolution; its omission would therefore defeat the purpose of the text as a whole. Accordingly, his delegation would vote to retain section III and, subject to the amendment which Pakistan had proposed earlier, would also vote in favour of the whole draft.

51. At the request of the representative of India, a vote was taken by roll-call on whether to retain section III of the draft resolution.

52. Poland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Austria, Bangladesh, Botswana, Canada, Czech Republic, Democratic Republic of the Congo, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Morocco, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, India, Russian Federation.

Abstaining: Argentina, Bhutan, Cape Verde, Chile, Colombia, Congo, Ecuador, Guatemala, Indonesia, Mauritius, Mexico, Mozambique, Nepal, South Africa, Sri Lanka, Venezuela.

53. Section III of the draft resolution was retained by 33 votes to 4, with 16 abstentions.

54. Mr. KOH (United States of America) said that the sponsors had received no objections to the Pakistan proposal to include the phrase "the Muslim minority and" in paragraph 9 (f).

55. Mr. LIU Xinsheng (China), speaking in explanation of vote before the vote on draft resolution E/CN.4/1999/L.34/Rev.1 as a whole, said that Kosovo was part of the Federal Republic of Yugoslavia and its affairs were an internal matter for that State alone. The Kosovo issue should be resolved through a political dialogue which took account of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and guaranteed the rights and interests of all ethnic groups of the Kosovo region. NATO should halt its military operations immediately because fundamental rights and freedoms could be secured only on the basis of the restoration of peace and security. His delegation intended to abstain in the vote on the draft resolution as a whole.

56. Mr. BAICHOO (Mauritius) said that his delegation would vote in favour of the draft resolution as a whole, consistent with the position it had taken previously on the situation of human rights in Kosovo.

57. At the request of the representative of the Russian Federation, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.34/Rev.1.

58. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Morocco, Mozambique, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: China, Congo, Cuba, India, Mexico, Nepal.

59. Draft resolution E/CN.4/1999/L.34/Rev.1, as amended, was adopted by 46 votes to 1, with 6 abstentions.

Draft resolution on the situation of human rights in Equatorial Guinea and assistance in the field of human rights (E/CN.4/1999/L.36/Rev.1)

60. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, said that the text welcomed the political will of the Government of

Equatorial Guinea to make progress with regard to human rights and fundamental freedoms. Under the terms of the draft resolution, the Commission would appoint a special representative to monitor human rights developments in Equatorial Guinea.

61. Mr. MAYE NSUE MANGUE (Observer for Equatorial Guinea) said that, despite his country's difficult history, his Government had built up a solid record of cooperation with the international community in the field of human rights. His delegation wished to point out that the flaws and irregularities in the recent elections referred to in operative paragraph 3 of the draft resolution were extraneous to the political process and had not violated the country's recently-amended electoral law.

62. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to appoint a special representative on the situation of human rights in Equatorial Guinea to replace the existing Special Rapporteur. Financial provision of approximately $105,000 to cover the activities of the Special Rapporteur in 1998-1999 had been earmarked under the biennial budget. The unused balance would be made available to the newly-appointed special representative. The resource requirements covering the period 1 January 2000 to the expiration of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

63. Draft resolution E/CN.4/1999/L.36/Rev.1 was adopted.

Draft resolution on the situation of human rights in Rwanda (E/CN.4/1999/L.37)

64. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, and also Canada, Costa Rica, Japan and New Zealand, said that he hoped that the Commission could adopt the text by consensus.

65. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Australia, the Czech Republic and the United States of America had joined the sponsors.

66. Mr. NDJALANDJOKO (Democratic Republic of the Congo) said that, while not wishing to upset the consensus that had formed around the draft resolution, his delegation nevertheless had reservations about certain elements of the text. His Government's concerns were all the more acute given that Rwanda's ethnic troubles lay at the root of the regional crisis in central Africa.

67. Paragraph 15 of the draft resolution had not made explicit the fact that the Rwandan Government was using force to regroup scattered rural populations into ethnically-based settlements. Furthermore, the text made no reference to the fact that the Rwandan authorities had abruptly curtailed the activities of United Nations human rights bodies in Rwanda.

68. While not wishing to conflate the respective spheres of competence of the Commission on Human Rights and the Security Council, his delegation was bound to point out that the latter organ, in its resolution 1234 (1999) adopted on 9 April 1999, had stated that uninvited Rwandan troops were present in the territory of the Congo in direct violation of the Charter. Indeed, their presence was openly acknowledged by the Rwandan Government. At the very least, the

Commission's draft resolution should have expressed concern that Rwandan troops were present in the territory of a neighbouring State, and moreover in areas where civilian massacres had recently occurred.

69. His Government was also concerned that the Commission had not made more of the statement in paragraph 58 of the report of the Special Rapporteur on the situation of human rights in the Congo (E/CN.4/1999/31), to the effect that persons suspected of being close to President Kabila had been arbitrarily deprived of liberty and even deported to Rwanda.

70. Mr. HOYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the European Union welcomed the fact that the text addressed the undeniably regional nature of the issues involved, and also endorsed the Security Council's recent call for an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and OAU. However, the draft resolution might have placed even more emphasis on the regional dimension and focused on the continuing cross-border violations of human rights and humanitarian law in neighbouring areas of the Congo.

71. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Representative on the situation of human rights in Rwanda. Financial provision to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

72. Draft resolution E/CN.4/1999/L.37 was adopted.

Statement by the Chairperson on East Timor

73. The CHAIRPERSON read out the following statement on East Timor, which had been agreed upon by all delegations:

> "The Commission on Human Rights, having discussed the human rights situation in East Timor under item 9 of its agenda, expresses its deep concern at the serious human rights situation and at the outbreaks of violence in East Timor, particularly the recently reported killings of civilians in Liquica and Dili.
>
> "The Commission takes into account that the talks under the auspices of the United Nations Secretary-General aimed at achieving a just, comprehensive and internationally acceptable solution to the question of East Timor taking place in New York are now at a crucial stage.
>
> "The Commission requests the Secretary-General to present a report on the human rights situation in East Timor at its fifty-sixth session."

Draft decision on the question of human rights in Cyprus

74. The CHAIRPERSON read out the following draft decision on the question of human rights in Cyprus:

> "At its 52nd meeting on 23 April 1999, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled 'Question of human rights in Cyprus', of the current item 9 and to give it due priority at its fifty-sixth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation."

75. The draft decision was adopted.

76. Mr. KOH (United States of America), explaining his delegation's position on the draft resolution on the situation of human rights in the Sudan (E/CN.4/1999/L.29) adopted at the previous meeting, said that, while he appreciated the motives of the sponsors in seeking a consensus on the issue, the resulting text was nevertheless deeply flawed. It ought to have avoided euphemisms for slavery such as "enforced or involuntary disappearance" and "the abduction of women and children to be subjected to forced labour or similar conditions". As explicitly stated in the report of the Special Rapporteur, the allies of the Sudanese Government were using slavery as a weapon of war. In addition, the draft resolution had not gone far enough in condemning the systematic religious persecution practised by the Sudanese authorities.

77. His delegation was also uncomfortable with the fact that the draft resolution welcomed what the Sudanese Government described as the "Peace Agreement of 1997". That agreement had been deliberately designed to undermine the Inter-Governmental Authority on Development (IGAD) peace initiative which had been boycotted by the Sudanese authorities. The "Peace Agreement of 1997" was merely a pact between the Government and its allies in the civil war; no serious effort had been made to include the Government's opponents. Finally, although the draft resolution expressed concern at executions carried out by all sides in the conflict, the evidence clearly showed that the Sudanese Government was the principal culprit.

78. There was a risk that parts of the draft resolution might be exploited for propaganda purposes by human rights violators. The Sudanese process of democratization had not ushered in democracy, justice or the rule of law in the country, and it was therefore misleading to welcome "reports of recent improvements regarding the freedom of expression and association" when in the past month the Government had arrested a number of journalists and the country's leading human rights lawyer.

79. Despite those misgivings, his delegation had joined the consensus since it was anxious to extend the Special Rapporteur's mandate. It was especially important that the Special Rapporteur should submit an interim report on the situation of human rights in the Sudan to the General Assembly at its fifty-fourth session.

80. Mr. YAMAZAKI (Japan), explaining his delegation's position on the draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/L.27), said that,

overall, the text was well balanced. However, the international community should endorse a more supportive approach towards States which had shown a genuine commitment to improving their human rights record.

81. Regarding the draft resolution on the situation of human rights in Myanmar (E/CN.4/1999/L.32), his delegation had a number of reservations about the text which had been adopted, but had nevertheless joined the consensus. The Government of Myanmar should be further encouraged to improve its human rights record, and it was to be hoped that the authorities would take such steps of their own accord. Japan believed that it was in the interests of the Government of Myanmar to allow the Special Rapporteur to visit the country so that the international community could get a clearer and more balanced account of the real situation. Likewise, the Government should engage in earnest and sincere negotiations with the parties concerned to end the political stalemate and its serious effects on the human rights situation.

82. Mr. MORJANE (Tunisia), explaining his delegation's position on the draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28), said that he wished to draw particular attention to paragraph 3 (i) of the text, which called on the Iraqi Government to release immediately all Kuwaitis and nationals of other States still being held in detention. The international community should also respect Iraq's territorial integrity and make greater efforts to alleviate the suffering of the Iraqi people.

83. Ms. JANJUA (Pakistan), explaining her delegation's position on the draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28), said that continuing tension in the Gulf region had led to a severe humanitarian crisis in Iraq, yet that important element was missing from the text adopted by the Commission. At the same time, she urged the Iraqi Government to cooperate with the Tripartite Commission to establish the whereabouts, and resolve the fate, of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, as specified in paragraph 3 (h) of the draft resolution.

84. Mr. SIMKHADA (Nepal), explaining his position on the draft resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia, and Bosnia and Herzegovina (E/CN.4/1999/L.34/Rev.1), said that, owing to the inclusion of section III, his delegation had abstained in the vote despite its traditional support for resolutions on the same question in the past.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/1999/L.12 and L.17)

Draft resolution on human rights and unilateral coercive measures (E/CN.4/1999/L.12)

85. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, said that the text sought to reaffirm the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States. It drew particular attention to article 32 thereof, which declared that no State should use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

86. Mr. KOH (United States of America) requested that the draft resolution should be put to the vote.

87. Mr. REYES RODRIGUEZ (Cuba), speaking in explanation of vote before the vote, said that his delegation was disappointed that it would not be possible to adopt the text by consensus. Cuba would vote in favour of the draft resolution.

88. Mr. MOOSE (United States of America) said that his delegation was unable to support the draft resolution because it believed that each nation had the right to choose the States with which it wished to trade.

89. At the request of the representative of the United States of America, a vote was taken by roll-call.

90. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour	Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela
Against	Austria, Canada, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America
Abstaining	Czech Republic, France, Ireland, Italy, Luxembourg, Republic of Korea

91. Draft resolution E/CN.4/1999/L.12 was adopted by 37 votes to 10, with 6 abstentions.

Draft resolution on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (E/CN.4/1999/L.17)

92. Mr. FERRER RODRIGUEZ (Cuba), introducing the draft resolution, said that Bangladesh, Côte d'Ivoire, Egypt, Ethiopia, Myanmar, the Sudan, Uganda and Zambia had joined the sponsors. The text should be viewed within the framework of a political dialogue between the developed and the developing world with the purpose of furthering the common good.

93. Two amendments should be noted: first, the insertion of a new preambular paragraph which would read: "Takes note of the inter-institutional meeting of the High Commissioner for Human Rights with the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), the heads of the International Labour Organization (ILO), the World Health Organization (WHO), the World Trade Organization (WTO), the representatives of the

International Monetary Fund (IMF) and the World Bank, other specialized United Nations agencies and the Commission's Special Rapporteurs or experts dealing with foreign debt-related issues."

94. The second amendment involved rewording operative paragraph 13 to read: "Recognizes that there is a need for more transparency, participation of all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions."

95. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Tunisia and Indonesia had joined the sponsors.

96. Ms. GLOVER (United Kingdom) requested that the draft resolution should be put to the vote.

97. Mr. SIGOUIN (Canada), speaking in explanation of vote before the vote, said his country recognized that the question of foreign debt had implications for the economic and social development of developing countries, and hence for the enjoyment of human rights. Over the past 20 years, his Government had waived development assistance debts in the amount of $1.3 billion, and had recently proposed that further debt forgiveness for developing countries should be linked to their efforts to increase spending on human development rather than indulging in harmful or excessive military expenditure. His delegation would vote against the draft resolution because it did not approach the question of foreign debt in a manner consistent with the Commission's focus on human rights, and also because certain provisions of the draft resolution, such as operative paragraph 3, misrepresented the nature of foreign debt.

98. Mr. YAMAZAKI (Japan) said that his Government was deeply concerned at the situation of human rights in countries with heavy foreign debt burdens. As the world's largest donor, Japan had made available various kinds of assistance to heavily indebted countries and would continue to do so. It was therefore unfortunate that the draft resolution had failed to reflect the agreed language on debt relief contained in paragraph 12 of the Vienna Declaration and Programme of Action. It had also introduced inappropriate elements and diverted attention from the real nature of the problem. Moreover, the Commission on Human Rights was not the proper forum for a discussion of the issue, and Japan would therefore vote against the draft resolution.

99. Mr. MOOSE (United States of America) said that his Government supported debt forgiveness and restructuring within the context of the Paris Club and the initiative for heavily-indebted poor countries. Indebted States which demonstrated their commitment to economic reform deserved assistance and encouragement. However, his delegation would vote against the draft resolution because it sought to impose external conditions on terms negotiated by sovereign nations and agreed on by borrowers and lenders alike.

100. At the request of the representative of the United Kingdom, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.17.

101. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Colombia, El Salvador, Mexico, Peru, Republic of Korea, Russian Federation.

102. Draft resolution E/CN.4/1999/L.17, as amended, was adopted by 30 votes to 15, with 8 abstentions.

The meeting rose at 9.05 p.m.